

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

LUIS PARTIDA-REYEZ,

Plaintiff,

v.

STATE OF NEVADA, et al.,

Defendants.

Case No. 3:15-cv-00575-RCJ-VPC

ORDER

Before the court is a *pro se* submission styled as a motion requesting final disposition re retainer filed by Luis Partida-Reyez (ECF No. 1-1). Partida-Reyez has not submitted a complaint or a petition, or an application to proceed *in forma pauperis* or paid any filing fee. Accordingly, this action is improperly commenced. Further, the court has reviewed the submission and would lack jurisdiction to grant the relief Partida-Reyez appears to seek in any event.

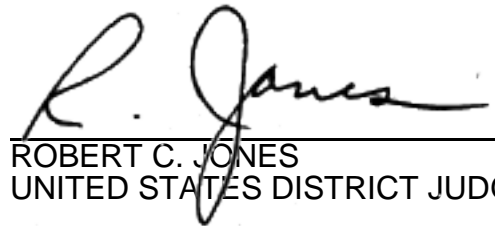
Partida-Reyez is in custody pursuant to a judgment of conviction by a state court. However, he does not challenge the validity of that judgment. Instead, he states that a federal detainer has been lodged against him for criminal re-entry and seeks to compel final disposition on the detainer. The court assumes that Immigration and Customs Enforcement intends to seek Partida-Reyez's removal from the United States upon his discharge or parole from imprisonment. Partida-Reyez likely wishes to pursue a writ of habeas corpus pursuant to 28 U.S.C. § 2241. For this court to have jurisdiction over Partida-Reyez's claims, however, petitioner would need to be in the custody of an officer of Immigration and Customs Enforcement. See 28 U.S.C. § 2241(c). A detainer

placed upon petitioner by Immigration and Customs Enforcement does not place him in the custody of that agency. *Campos v. I.N.S.*, 62 F.3d 311, 314 (9th Cir. 1995).

IT IS THEREFORE ORDERED that this action is **DISMISSED** as improperly commenced.

IT IS FURTHER ORDERED that the Clerk shall enter judgment accordingly and close this case.

DATED: 26 January 2016.



ROBERT C. JONES
UNITED STATES DISTRICT JUDGE